

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
EDUCATION, *et al.*,

Defendants.

Case No. 25-cv-2990 (ER)(BCM)

**[Proposed] ORDER TO SHOW
CAUSE ON REQUEST FOR
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION UNDER FEDERAL
RULE OF CIVIL PROCEDURE 65**

Upon the annexed affirmation of Stephen C. Thompson, dated May 14, 2025, in support of Plaintiffs’ motion for immediate injunctive relief pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs’ memorandum of law and accompanying declaration in support of Plaintiffs’ motion, all papers submitted on Plaintiffs’ April 11, 2025, motion for a preliminary injunction (ECF Nos. 10–28, 63, 67–69), and Plaintiffs’ complaint, it is:

ORDERED, that the above-named Defendants show cause before the Honorable Edgardo Ramos, United States District Judge, Room 619, United States Courthouse, 40 Foley Square, New York, New York, on _____, at _____ thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65(a) of the Federal Rules of Civil Procedure (1) preliminarily enjoining the Defendants during the pendency of this action from enforcing or implementing as against Plaintiffs the directives in the May 11, 2025 “Dear Colleague” letter from Hayley B. Sanon (“May 11 Rescission Letter”); (2) directing Defendants to process pending and future payment requests for education stabilization (“ES”) funds submitted within Plaintiffs’ liquidation periods without delay; and (3) directing Defendants to file a status report with the Court within one week listing for each Plaintiff all outstanding payment requests

for ES funding, including the amounts, the dates the requests were submitted, and the anticipated dates they will be processed; and it is further

ORDERED that, good cause having been shown for the issuance of a temporary restraining order under Rule 65(b) of the Federal Rules of Civil Procedure, Defendants are enjoined from enforcing or implementing as against Plaintiffs the directives in the May 11 Rescission Letter pending the Court's decision on Plaintiffs' motion for a preliminary injunction; and it is further

ORDERED that Plaintiffs are not required to post security; and it is further

ORDERED that service of a copy of this order by ECF on counsel for Defendants shall be deemed good and sufficient service thereof; and it is further

ORDERED that Defendants shall file their opposition papers on or before May __, 2025, together with a certified copy of the administrative record (if any) in connection with the agency determinations set forth in the May 11 Rescission Letter; and it is further

ORDERED that Plaintiffs shall file their reply papers on or before May __, 2025.

By the Court:

Dated

United States District Judge